



TITLE Limited English Proficiency	POLICY NUMBER DCS 06-01	
RESPONSIBLE AREA Office of General Counsel	EFFECTIVE DATE 12-18-14	REVISION 0

I. POLICY STATEMENT

The Department of Child Safety (the Department) provides quality and timely language assistance services to customers with Limited English Proficiency (LEP) to ensure meaningful access to programs, services, and activities. Each affected Department office of the Department shall:

- Develop and adhere to specific written procedures;
- Perform a needs and capacity assessment;
- Arrange for oral language assistance, as appropriate;
- Determine which of the Department documents meet the definition of a vital document;
- Translate vital documents into languages other than English;
- Provide notification to customers of the availability of language assistance services;
- Evaluate current Department websites for LEP compliance;
- Develop and implement standards to ensure LEP compliance on all future webpages;
- Train all personnel who are likely to have contact with Department customers and the management personnel who support them;
- Develop and incorporate an accessible issue resolution process; and
- Monitor customer access to language assistance.

II. APPLICABILITY

This LEP policy applies to all Department employees, volunteers, and contractors who provide direct services to Department customers.

III. AUTHORITY

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.
Arizona Constitution, Article 28

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d *et seq.* states, “No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

Regulations implementing Title VI provide in part at 45 C.F.R. § 80.3 (b):

- (1) “A recipient [the Department is a ‘recipient’ under this law] under any program to which this part applies [generally any program that receives federal funds] may not, directly or through contractual or other arrangements, on ground of race, or color, or national origin:
 - (i) Deny an individual any service, financial aid, or other benefit provided under the program;
 - (ii) Provide any service, financial aid, or other benefit to an individual, which is different, or is provided in a different manner, from that provided to others in the program;
- (2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program or the class of individuals to whom, or the situations in which such services, financial aid or other benefits, or facilities will be provided ... *may not directly, or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination, because of their race, color or national origin, or have the effect of defeating or substantially impairing accomplishments of the objectives of the program with respect to individuals of a particular race, color, or national origin.*” (emphasis added)

IV. DEFINITIONS

Department: The Department of Child Safety.

Customer: Any applicant, claimant, or recipient of Department services, including LEP customers.

Executive Leader: A Department Deputy Director or designee.

Interpret: Providing a verbal translation between two or more persons in a language other than English. This may be done by on-site trained Department personnel, contractors, or through commercially available resources, including but not limited to telephonic interpretation services.

Language Used Significantly: A language, other than English, that is used by five percent or 1,000 persons (whichever is smaller) who are eligible for a Department services or are likely to be directly affected by a Department program or activity in a specific geographic area.

LEP Coordinator: An individual designated by the Department to oversee the requirements of the Department’s LEP policy and procedures.

Limited English Proficiency (LEP) Contact: The person within a Department office who provides support for personnel in the Department office regarding LEP policy and procedures and is responsible for LEP compliance in the Department office.

Limited English Proficient (LEP) Customer: Any prospective, potential, or actual recipient of benefits or services from the Department who cannot speak, read, write, or understand the English language at a level that permits effective interaction with the Department. This includes LEP parents or guardians of minor children who are customers or LEP customers.

Translate: Converting a written document from English to another language or from another language to English.

Vital Document: A document that conveys information that affects the ability of the customer to make decisions about his or her participation in the program. The decision of whether a document is vital may depend upon the importance of the program information, encounter, or service involved, and the consequence to the LEP person if the information is not provided accurately or in a timely manner.

Department office: A physical office of DCS personnel that has contact with LEP customers and which may include more than one program/administration.

V. Policy

A. Overview

Title VI of the Civil Rights Act of 1964, as amended, requires that agencies take reasonable steps to ensure meaningful access to their programs and activities for persons with limited English proficiency. The Department's LEP policy ensures that the Department and Department services, regardless of funding source, comply with the requirements of Title VI of the Civil Rights Act of 1964 by setting out standards for its Department offices to follow. Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin by any entity receiving federal financial assistance. The Department prohibits administrative methods or procedures subject individuals to discrimination or defeating the objectives of these regulations.

To avoid discrimination on the grounds of national origin, the Department shall take adequate steps to ensure that its procedures do not deny, or have the effect of denying, individuals with Limited English Proficiency equal access to benefits and services for which such persons qualify.

B. General Statement

All Department personnel shall provide services to Department customers so the customers, including those persons who have Limited English proficiency, have meaningful access to Department programs and activities.

C. Compliance and Enforcement

It is the responsibility of the Department, through the LEP Coordinator and Department supervisors and managers of each Department office to conduct activities consistent with both the Department LEP policy and procedures.

D. Procedures

The Department has written procedures related to language assistance services applicable to its program activities (See Section VI.) that address the following areas:

1. Provision of language services generally;
2. Identification and assessment of language needs;
3. Oral language assistance services;
4. Written translations;
5. Oral and written notification of the availability of language services;
6. Issue resolution rights;
7. Staff training on language service provision; and
8. Monitoring access to language assistance.

E. The Department shall employ a four-step process to determine the need and capacity for LEP services.

1. ***The Department shall identify the steps in the service delivery process and identify the anticipated number of customer interactions that occur at each of these steps.*** These steps include points of contact with Department personnel where customers receive information

or personnel take an action that affects a customer's ability to meaningfully participate in a Department program or activity. These points of contact include Department offices, telephone numbers regularly used by the public, outreach activities, informational and operational websites, and written notices. These contacts may be face-to-face, telephonic, written, or electronic.

2. ***The Department shall identify the languages used by the customers it serves and use this information to determine how often the Department expects to interact with customers in languages other than English.*** The Department shall use the most recent census data to determine overall language needs in Arizona. Other demographic data sources include information from other state agencies, commercial marketing data, school systems, community organizations, national ethnic organizations, the Internet, and internally gathered Department data. The Department shall update the language needs to serve its customers with the issuance of new census data, including translating vital documents, as appropriate.
3. ***The Department shall annually assess the language assistance needs of its LEP customers and the capacity of its programs to meet these needs.*** Methods to conduct the annual assessment shall include areas where the Department intends to use departmentally produced data and the frequency with which it will complete the assessment.
4. ***The Department shall implement a process for gathering and recording Limited English Proficient customer language preferences:***
 - a. The Department shall include sufficient detail to identify language preference information, where it stores the information, and how it will make the information readily available for future contact with LEP customers and for statistics-gathering purposes.
 - b. In offices where there is in-person contact with LEP customers, a LEP Language binder containing language preference materials shall be located at the front office. These LEP Language binders provide an opportunity for Limited English Proficiency customers to self-declare their language preference during local office contacts. The binder shall be prominently display where customer interaction is anticipated. These binders are developed, transmitted, and maintained as a Departmental function.

F. Oral Language Assistance

1. ***The Department shall arrange for oral language assistance to Limited English Proficient customers in face-to-face and telephone contact:*** Department offices shall identify the processes for providing oral language assistance and the method for obtaining these services. The oral language assistance portion of the Department office processes for identifying individuals with Limited English Proficiency shall be consistent with those outlined in this policy. LEP services shall be provided free of charge upon the request of the customer. Department offices may identify approaches specific to their office (or program/administration within the office), but all procedures shall include the minimum Department standard of ensuring that the provision of bilingual/interpretive services is prompt and without undue delays. Necessary time frames may vary based upon the nature and importance of the service. For example, time frames for emergency services may be different from those time frames for non-emergency services. In most circumstances, this requires language services to be available within reasonable time frames during all operating hours by:

- a. Establishing interpreter service contracts: The Department maintains contracts with multiple vendors to provide verbal interpretation. The DCS Office of Procurement shall provide direction how to access and use contracts for interpreter services. In addition, services through commercially available telephonic interpretation services shall be available when needed.
 - b. Implementing a means to compensate bilingual personnel: Subject to the availability of funds, the Department may have a bilingual stipend program in place that compensates bilingual personnel who meet required standards for performing verbal interpretation services. Department offices shall identify the program/administration in which a need for bilingual personnel has been established and which languages are needed.
 - c. Orally translating vital documents into languages other than English for LEP customers.
2. ***Location and Accessibility of LEP Services:***
Department offices shall respond to the language needs of the populations it serves, whether in-person in the office, in-person at the customer's home or other community location, or by telephone. Accommodations such as telephone interpreter services, bilingual personnel (when available), and the translation of vital documents shall be made available and accessible to the LEP customers.
 3. ***Use of Bilingual Staff: The Department will make reasonable efforts to recruit and have bilingual personnel*** employed in programs and activities where the language used by LEP customers or potential LEP customers is a language used significantly, or where the frequency of contact with such persons makes the employment of bilingual personnel a more cost effective, efficient, and effective mode for communication:
 - a. The Department determines whether to employ bilingual personnel after a needs assessment, with due consideration given to the budgetary, personnel, and other constraints of the Department.
 - b. Bilingual personnel or contractors are assessed for bilingual and translation proficiencies. Individuals providing interpretative services must possess a level of fluency and comprehension appropriate to the specific nature, type, and purpose of information at issue.
 4. ***Use of Family Members or Friends to Interpret:*** Department offices shall only use family members or friends to interpret for LEP customers if the LEP customer insists on using the friend or family member after Department-provided language services have been offered. Minor children shall never be used to interpret, except in emergencies. If additional services are required, any information obtained utilizing a minor child as the interpreter shall be verified through an approved interpreter after the emergency situation has ended.

G. Translation of Written Materials

1. ***The Department shall identify its vital documents.*** Vital documents include, but are not limited to, the following for any service, benefit, or program provided by or contracted with the Department:

- a. Applications;
 - b. Recertification or renewal applications;
 - c. Documents that require a response;
 - d. Letters or other written documents that contain information regarding participation in a program;
 - e. Notices of eligibility criteria, authorization or denial, applicant or participant rights, benefit or service changes, hearings, and actions affecting parental custody or child support;
 - f. Consent and complaint forms;
 - g. Appeal rights and grievance procedures;
 - h. Written tests that do not assess English language competency but test competency for a particular license, job, or skill for which knowing English is not required.
 - i. Notices advising LEP customers of free language assistance; and
 - j. Any other document that the Department deems vital due to the importance of the program, information, encounter, or service involved and the consequence to the LEP customer if the information in question is not provided accurately or in a timely manner.
2. ***The Department shall translate its vital documents according to the requirements outlined in the DCS Translation Requirements document. Documents identified as vital are translated into languages used significantly by its LEP customers.*** The Department maintains two approved processes for having written material, including required posters and signs, translated to languages other than English:
- a. The Department's Business Services; or
 - b. A state-approved translation contract.
- Using one of these two processes ensures the quality of the translation activity. Department documents for official public use may not be translated using any other method.
3. ***Each Department office shall respond to written communications from LEP customers in a manner that is consistent with this policy.*** The Department procedures shall ensure that LEP customer case records include a notation when DCS personnel receive information from a customer in a language other than English. DCS personnel shall interact with the individual in a manner consistent with the Department's LEP policy unless the customer indicates otherwise.
4. ***Each Department office should be sensitive to the literacy levels of the LEP public.*** There are situations in which the use of translated written material may not meet the needs of some Department LEP customers. Some languages are historically unwritten or some LEP customers may be illiterate in their native language. The Department shall use the most effective means to communicate with LEP customers. This may include either verbal or written communication.

H. Training

Training shall include why it is important for the Department to ensure that LEP customers are served in a manner consistent with this policy. Persons with specific knowledge of Title VI of the Civil Rights Act and the requirements contained therein shall develop this training. Training shall

include, but not be limited to, general training for all personnel on the importance of providing services for LEP customers.

I. Providing Notice to LEP Customers of the Availability of Language Assistance Services and Outreach

The Department shall identify how to inform LEP customers of the availability of free language assistance services and shall make the notification at the first point of contact. Notification includes signs in lobby areas or other customer entry points, outreach documents such as brochures or booklets, binders, and LEP pamphlets, in languages significantly used by LEP customers:

1. The Department offices shall provide the notification of free language assistance in the language of the LEP customer. LEP persons are advised that they may use an interpreter of their own choosing at their own expense.
2. Consistent with its commitment to partnership and outreach, the Department engages in appropriate outreach to ensure awareness by LEP persons of its programs and activities. Outreach may include the use of ethnic media such as radio, television, newspapers, magazines, websites, faith-based organizations, and community-based organizations at local levels that provide social services, healthcare, and classes.
3. The Department shall maintain copies of written documents such as flyers or pamphlets intended to be used to notify the public of language assistance. Pamphlets shall be maintained in locations in which direct service to Department customers is provided and shall be readily available to customers without the need of Department personnel intervention.

J. Monitor Access to Language Assistance

1. ***The Department shall monitor the accessibility and quality of language assistance activities for LEP customers.*** The Department reassesses language assistance activities at least annually so services provided by the Department address the needs of the Department's LEP customers. The Department has processes for obtaining community and/or customer feedback through surveys, questionnaires, or other means. In order to determine the validity of any language assistance complaints, the Department may analyze and review data that reflect how the Department offices provide services to LEP customers. Data collection allows Department offices to see how their services are provided and reflect current activity. The Department shall assess the effectiveness of its LEP policies based on the following activities, as applicable:
 - a. Current LEP populations in service areas or population or specific populations encountered;
 - a. Frequency of encounters with LEP customers;
 - b. Nature and importance of activities to LEP customers;
 - c. Availability of resources, including technological advances, additional resources, and the costs imposed;
 - d. Whether existing assistance is meeting the needs of the LEP customers;
 - e. Whether personnel know and understand the LEP procedures; and

- f. Whether identified sources for assistance are still available and viable.
- 2. ***The Department uses its data system(s) to determine the race and ethnicity of customers served, the frequency of contact, and the primary language of those persons.***
The Department shall require the collection of data for the language needs assessment, including the number of LEP customers, by language group, who received language services, names and classifications of personnel receiving training, and the dates of training. The Department shall:
 - a. Have current information on language needs in the communities it serves;
 - b. Provide an adequate number of interpreters for timely compliance with LEP needs;
 - c. Translate vital documents;
 - d. Disseminate adequate supplies of translated materials to the Department offices;
 - e. Provide LEP training to all DCS personnel; and
 - f. Keep notification materials current.

K. Provision of Technical Assistance

Each Department office shall identify an LEP contact to whom LEP-related questions may be sent and addressed in a timely and efficient manner. The LEP contact shall be available to coordinate efforts towards compliance with the Department's LEP policy and procedures. The LEP Coordinator shall provide technical assistance to the LEP contact or solicit additional assistance from the Director's Office or the Office of the Attorney General.

L. Issue Resolution

- 1. ***Department office-level process (Level I):*** Department offices shall outline an LEP issue-resolution process to resolve a concern or dispute arising from any action or inaction taken by Department personnel in administering programs or providing services. This is the Level I resolution process.
 - a. The Level I process requires that LEP customers are advised in writing of the appropriate steps to raise an LEP-related concern. This notification also advises the customer of his/her right to file a complaint at any point in time with the federal agency responsible for the program for which they are engaged or applying.
 - b. Department offices where LEP customers receive services shall provide any forms needed for an LEP customer to request review of LEP-related decisions.
 - c. The Department office shall conduct the Level I process in a language that is understandable by the person raising the concern. The Department office shall make appropriate use of interpreter services, contracted provider services, or other resources needed to facilitate the dispute resolution process.
 - d. The Level I process shall include the following:

The manager in charge at the Department office where an LEP-related concern is filed or his or her designee reviews the complaint with the assistance of the Department office LEP contact. Personnel shall put in writing verbal complaints

and place them in the appropriate case record. At any point in the process, the manager is empowered to resolve the complaint using methods and practices outlined in the Department LEP policy and procedures.

It is the intention of the Department that most LEP issues are resolved at the Department office level. The Level I resolution process shall be completed no later than three days following the day of receipt of the complaint unless the LEP customer requests a delay in the process. The manager shall ensure that all reasonable measures are pursued to immediately, verbally notify the LEP customer of the outcome of the issue resolution. The Department shall provide a written confirmation of the decision within five business days.

2. ***Department Level Process (Levels II and III):*** The Department process is initiated whenever a LEP customer expresses in writing to the Department that the Department office's attempt to resolve the issue at the Level I process has not met their needs. This LEP issue escalation process ensures the rights of LEP customers to have concerns resolved in their preferred language. The LEP Coordinator is available to assist the Department or the LEP customer to resolve a concern.
 - a. **Level II:** If no resolution can be reached at Level I, the notification to the LEP customer shall include the right to pursue the grievance, the time frames, and the process to request verbally or in writing that the LEP Coordinator review and decision. The LEP Coordinator may request assistance from the Department office LEP contact. Level II action shall occur within five working days of receipt of the request for review of the Level I decision from the LEP customer. The LEP Coordinator shall ensure that the LEP customer receives written notice of the outcome of the Level II review and advises the LEP customer of the method and time frame to obtain a Level III review.
 - b. **Level III:** In the rare instances where no resolution can be accomplished at the Level II review, the LEP customer may request a final decision from the Executive Leader. If the LEP customer is not satisfied with the Executive Leader's proposed resolution, the Executive Leader will again inform the LEP customer of their rights to file with the appropriate federal agency. This process will be completed within five working days of receipt of the request for review of the Level II decision from the LEP customer.

M. Reporting

The LEP Coordinator shall prepare an annual report detailing the information required in the Procedures, Section VI. The LEP Coordinator shall report the results to the Executive Leaders.

VI. PROCEDURES

A. Needs and Capacity Assessment

1. The Department shall identify:
 - a. How each Department office interacts with LEP customers: by telephone, in-person at the office and/or in-person at the customer's home or in the community; and
 - b. The anticipated number of customer interactions that occur at each of these steps.
2. The Department shall identify the languages used by the population it serves.

- a. The Department shall use the U.S. Decennial census data as a reliable indicator of the language used by the population it serves.
 - b. The data provided by the census shall be considered reliable unless other more current reliable data becomes available.
 - c. The Department shall utilize data provided by the U.S. census to determine the languages used significantly for the populations served by the Department.
 - d. The Department assumes that the population it serves is consistent with the overall population of the State of Arizona.
 - e. For Department offices where the client base is not representative of the population of the State of Arizona, that Department office is responsible for identifying the languages used significantly by the population served by the Department office. The Department office shall coordinate as needed with the DCS Office of Procurement to secure the needed translation or interpreter services.
3. Upon designation of a new language used significantly, the Department shall notify all Department offices. The Department will ensure that all vital documents are translated to the new language.

B. Translation/Interpretation Contracts

Translations shall comply with the directives outlined in the DCS Translation Requirements document.

1. Spanish Translations

- a. The Department's Business Services provides translation services for Department forms and pamphlets that have been identified as vital documents in coordination with the Policy Unit.
- b. Business Services coordinates access to translation contracts for the Department.

2. Other Translations

The DCS Office of Procurement (OP) accesses or procures translation and interpretation contracts for the Department. The Department shall maintain a list of the contracts that are available to use for translation and interpretation services.

- g. Department offices may contact OP and request a list of the approved contracts.
- h. Department offices may select the contract that will meet their needs.
- i. Once a contract has been identified, the Department office shall follow the steps outlined in the contract to access these services.
- j. The LEP Coordinator shall provide Department personnel with the information needed to utilize the services of the selected interpretation or translation contractor(s).

C. DCS Internet Web Site Maintenance

1. The Department's Communication Manager maintains the appropriate standards for all DCS Internet Web sites.
2. The LEP Coordinator or designee coordinates with the Communication Manager to:
 - a. Make available vital documents placed on DCS Internet website in languages used significantly.
 - b. Include contact information for the LEP Coordinator on the DCS Internet website.
3. The Communication Manager directs personnel how to access its services to modify or add web pages. Service requests to the Communication Office are coordinated through the LEP Coordinator or designee.

D. LEP Rights Information

1. The Department shall include the following statement on all documents, including electronic documents, not translated, and shall also include the statement translated into languages used significantly:

"The Department of Child Safety provides language assistance free of charge. For assistance provided in your preferred language, please contact a DCS representative or call any DCS office."
2. This wording must be located near the front of the document.

E. Training

1. The Child Welfare Training Institute (CWTI) develops and maintains Department training on Limited English Proficiency.
2. At a minimum, the training includes an overview of LEP, including a definition of LEP, the rights that those who interact with the Department have in relation to LEP, and the Department responsibilities. This training is mandated for all Department personnel.
3. CWTI establishes time frames for completion of required training.
4. CWTI tracks completion of required training and disseminates information regarding training completion to all Department supervisors. Each supervisor is responsible for tracking completion of training for personnel.

F. Process for Identifying Preferred Language

1. The LEP Coordinator develops and maintains a process that LEP customers may use to identify and communicate their preferred language to the appropriate Department personnel.
 - a. The LEP Coordinator may designate the existing LEP Language Binders as the accepted means to meet this requirement.

- b. The LEP Coordinator may, when necessary, develop and distribute an alternative method for language identification to Department offices.
2. Supplies to meet this need shall be made available through Business Services.

G. Monitoring

1. The Department monitors its LEP procedures so LEP customers interacting with the Department receive required LEP services.
2. Department offices that use customer satisfaction surveys include questions designed to determine if LEP customers are receiving necessary services. The customer satisfaction surveys must be available in all languages used significantly.
3. The LEP Coordinator periodically contacts the Department offices to determine whether:
 - a. The office has an adequate supply of LEP Language Binders or other acceptable means for customers visiting the Department office in-person to communicate the person's language preference.
 - b. DCS personnel have the appropriate information needed to access interpretation contracts.
 - c. DCS personnel have successfully completed the mandatory LEP training.
4. The LEP Coordinator reviews the results of the Department office surveys and implements process improvement activities (including technical assistance and training) when it appears that LEP customers may not be receiving the services they need.
5. The Department may, as needed, establish additional monitoring tools.

H. Reporting

1. Department offices shall utilize the LEP Checklist for Annual Monitoring Requirements, which identifies all mandatory points of review for each Department office.
2. Department offices shall forward the checklist with any required documentation at least annually to the Department's LEP Coordinator, no later than January 31st.
3. The LEP Coordinator shall summarize the information after receipt of the reports from all Department offices and shall report the results to the Department Director by no later than March 31st.

VII. FORMS INDEX

LEP Checklist for Annual Monitoring Requirements
LEP Language Binder Materials